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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,617	10/31/2003	Michael J. Banchieri	3772P026	9887

8791 7590 12/14/2005

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EXAMINER


HUGHES, JAMES P

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,617	Applicant(s) BANCHIERI, MICHAEL J. 	
	Examiner James P. Hughes	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. Figures 1a and 1b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 2-5 contain numerous hand drawn aspects. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being obvious over Fukuoka et al. (5,253,412). Fukuoka et al. Teaches a method and apparatus comprising: a base (e.g. 2); a jaw assembly (e.g. 16) coupled to the base, the jaw assembly defining aperture when open; a spring (e.g. 19) coupled to the jaw assembly (16) and the base (2) which may hold the jaw open; a plunger actuator (e.g. 15) having a plunger portion (e.g. plates) that receives the fiber optic cable (e.g. 50) may extend through the aperture; a slide actuator (e.g. 14, 12) that is coupled to the plunger actuator (16) and base (2), wherein the slide actuator moves the optical fiber (50); a latch (e.g. 18) coupled to the base (2) to hold the jaw assembly open, wherein the latch (18) is released by a release mechanism (e.g. 17e and 18e) that is coupled to the jaw assembly (16) which may open the jaw thereby releasing the cable (50).

However, Fukuoka does not explicitly teach that the slide actuator is actuated by the plunger actuator so that the release mechanism may open the jaw assembly thereby moving the plunger portion into the aperture. It would have been obvious to one of ordinary skill in the art at the time of the invention to rearrange the actuation of the slide actuator by the plunger actuator when the cable is inserted in such a manner because this would provide an efficient automated system.

Fukuoka also does not explicitly teach a second channel (e.g. for a second optical fiber). However, a second channel for a second optical fiber would have been obvious to one of ordinary skill in the art at the time of the invention because such a device would allow the processing of two fibers at the same time, thus yielding an efficient device.

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While Fukuoka does not explicitly teach a serrated inner edge to engage the cable or to turn off a light source when the jaw is open, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a serrated inner edge because this would be an efficient device by, for example, increasing the gripping of the jaws. Following, employing a light source and turning off the light source when the jaws are open would reduce wasted energy, would have been obvious to one of ordinary skill in the art at the time of the invention to allow verification that the fiber optic jacket (e.g. 51) had been completely removed by the removing unit. (See e.g., Col. 5, ll. 35 – Col. 10, ll. 20; Figs. 2 and 3)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents listed on the attached Notice of References Cited sheet teach numerous devices that may read on the claims. Specifically, the claims as recited could read on many versions of fiber optic holding, cutting, and cleaning devices and methods.

Applicant is suggested to include recitations in the claims directed toward the connection of an endoscope with a light source as is supported by the specification.

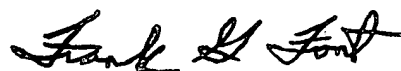
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James P. Hughes whose telephone number is 571-272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James P. Hughes
Patent Examiner
Art Unit 2883



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800